IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.44 OF 2006

Shri Bula @ Balaram R. Patil & ors. ..Applicants.

V/s.

Shri Bhalchand K. Patil & Ors. ..Respondents.

Mr.N.V.Walawalkar with Amol P. Mhatre for applicants.

Mr.Raja Ghadge for Respondent Nos.1 to 10.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 25, 2006.

P.C. :

1. Heard counsel for the parties. Perused the averments in the plaint.

2. It is not possible to accept the stand taken on behalf of the applicants/defendants that the suit is barred by any law, for which reason the same should be dismissed in view of the Order 7 Rule 11(d) of the Code. The issues which were to be decided by the Tenancy Authority have already been decided in favour of the defendants; that does not mean that the suit as filed is barred by any law. That aspect will have to be considered by the Civil Court. If the Civil Court takes the view that the issues decided by the Tenancy Authority between the parties

has attained finality, civil court will proceed to pass appropriate order in the suit. In the event, if issues which are required to be decided exclusively by tenancy authority still arise for consideration in the present suit, it will be open to the Civil Court to refer the same to the Tenancy Authority, in terms of section 85 of the Tenancy Act. Even in that situation, it is not possible to take the view that the suit as filed is barred by any law. Thus understood, this revision application is devoid of merits. Hence dismissed.